



General Assembly

***Substitute Bill No. 5055***

*February Session, 2000*

***An Act Concerning Soil Amendments And Agricultural Liming Materials.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1       Section 1. (NEW) As used in sections 1 to 12, inclusive, of this act:
- 2       (1) "Soil amendment" means any substance intended to improve the  
3       physical or chemical characteristics of the soil, but does not mean  
4       commercial fertilizers, agricultural liming materials, unmanipulated  
5       animal manures, unmanipulated vegetable manures, compost,  
6       pesticides or other material exempted by regulations adopted by the  
7       commissioner under section 12 of this act;
- 8       (2) "Soil ingredient form" means the chemical compound of an  
9       ingredient such as a salt, chelate, oxide, acid or similar descriptor or  
10      the physical form of an ingredient;
- 11      (3) "Brand" means the trademark, product name or other specific  
12      designation under which individual soil amendments are offered for  
13      sale;
- 14      (4) "Bulk" means without packaging;
- 15      (5) "Distribute" means import, consign, produce, compound, mix or  
16      blend soil amendments for use in this state, or to offer for sale, sell,  
17      barter or otherwise supply soil amendments in this state;

18 (6) "Distributor" means any person who imports, consigns,  
19 produces, compounds, mixes or blends soil amendments for use in this  
20 state, or who offers for sale, sells, barter or otherwise supplies soil  
21 amendments in this state;

22 (7) "Investigational allowance" means an accounting for variations  
23 inherent in the taking, preparation and analysis of an official sample of  
24 a soil amendment;

25 (8) "Label" means the display of all handwritten, printed or graphic  
26 matter upon a container or statement accompanying a soil  
27 amendment;

28 (9) "Labeling" means all handwritten, printed or graphic matter  
29 upon or accompanying any soil amendment, or advertisements,  
30 brochures, posters or television or radio announcements used in  
31 promoting the sale of such amendment;

32 (10) "Minimum percentage" means that per cent of soil amending  
33 ingredient required to be present in a product before the product will  
34 be accepted for registration when the ingredient is mentioned in any  
35 form or manner;

36 (11) "Official sample" means any sample of soil amendment taken  
37 by the commissioner or an agent of the commissioner and that the  
38 commissioner designates as official;

39 (12) "Per cent or percentage" means a portion of a soil amendment  
40 by weight;

41 (13) "Person" means an individual, partnership, corporation, limited  
42 liability company or association;

43 (14) "Registrant" means the person who registers soil amendments  
44 under the provisions of section 2 of this act;

45 (15) "Soil amending ingredient" means a substance that will improve  
46 the physical or chemical characteristics of soil so that it will be more

47 productive;

48 (16) "Weight" means the weight of material as offered for sale;

49 (17) "Director" means the director of the Connecticut Agricultural  
50 Experiment Station; and

51 (18) "Commissioner" means the Commissioner of Agriculture.

52 Sec. 2. (NEW) (a) No person may distribute a soil amendment unless  
53 it has been registered with the commissioner in accordance with the  
54 provisions of this section. An application for registration shall be  
55 submitted annually to the commissioner on the form furnished or  
56 approved by the commissioner. Upon approval by the commissioner, a  
57 copy of the registration shall be furnished to the applicant. Such  
58 registration shall expire on September thirtieth of the following year.  
59 Each distributor shall submit to the commissioner a copy of labels and  
60 any advertising literature for each soil amendment with the  
61 registration application.

62 (b) A distributor shall not be required to register any brand of soil  
63 amendment that is already registered under this section by another  
64 person, providing the label does not differ in any respect.

65 (c) Before registering any soil amendment, the commissioner may  
66 require evidence to substantiate the claims made for the soil  
67 amendment and proof of the value and usefulness of the soil  
68 amendment.

69 Sec. 3. (NEW) (a) The following information shall appear on the face  
70 or display side of any package or container of soil amendment offered  
71 for sale at retail, shall be in a readable and conspicuous printed form  
72 and shall be considered to be the label: (1) The net weight of the  
73 product; (2) the brand of the product; and (3) a guaranteed analysis of  
74 the product including (A) all soil amending ingredients and any other  
75 ingredients, (B) the purpose of the product, (C) directions for  
76 application, and (D) the name and address of the soil amendment

77 registrant. In the case of bulk shipments, such information shall  
78 accompany delivery and shall be supplied to the purchaser by the  
79 distributor at the time of delivery.

80 (b) In the case of bulk shipments, the information required in  
81 subsection (a) of this section may be in handwritten or printed form,  
82 shall accompany delivery and shall be supplied to the purchaser at the  
83 time of delivery.

84 (c) No information or statement may appear on any package, label  
85 delivery slip or advertising matter that is false or misleading to the  
86 purchaser as to the use, value, quality, analysis, type or composition of  
87 the soil amendment.

88 (d) The commissioner may require proof of claims made for any soil  
89 amendment. If no claims are made, the commissioner may require  
90 proof of usefulness and value of the soil amendment. For evidence of  
91 proof the commissioner may rely on experimental data, evaluations or  
92 advice supplied from such sources as the director if design of the  
93 experiment is related to conditions in this state under which the  
94 product is to be used. The commissioner may accept or reject other  
95 sources of proof deemed to be reliable as additional evidence in  
96 evaluating soil amendments.

97 (e) No soil amending ingredient may be listed on labels or labeling  
98 of soil amendments without the permission of the commissioner. The  
99 commissioner may allow a soil amending ingredient to be listed on the  
100 label or labeling if satisfactory supportive data is provided to  
101 substantiate the value and usefulness of the soil amending ingredients.  
102 The commissioner may rely on authoritative sources, including, but  
103 not limited to, the director, for assistance in evaluating any such data  
104 submitted. When a soil amending ingredient is permitted to be listed,  
105 the presence of such ingredient in such amendment shall be detectable  
106 by laboratory methods and shall be subject to inspection and analysis.  
107 The director may prescribe methods and procedures of inspection and  
108 analysis of the soil amending ingredient.

109 (f) The commissioner may allow labeling to include listing  
110 proportions of ingredients in soil amendments by volume rather than  
111 by weight.

112 Sec. 4. (NEW) No person may distribute a misbranded soil  
113 amendment. A soil amendment shall be deemed to be misbranded if:  
114 (1) Its labeling is false or misleading; (2) it is distributed under the  
115 name of another soil amendment; (3) it is not labeled as required in  
116 section 3 of this act and in accordance with regulations adopted under  
117 section 12 of this act; (4) it purports to be, or is represented as, a soil  
118 amendment, or is represented as containing a soil amendment that has  
119 a definition in regulations adopted by the commissioner in accordance  
120 with section 12 of this act unless it conforms to such definition; or (5) it  
121 does not conform to the prescribed soil ingredient form, minimum  
122 percentages, labeling and investigational allowances provided for in  
123 the regulations adopted by the commissioner under section 12 of this  
124 act.

125 Sec. 5. (NEW) No person may distribute an adulterated soil  
126 amendment. A soil amendment shall be deemed to be adulterated if:  
127 (1) It contains any deleterious or harmful agent in sufficient amount to  
128 render it injurious to beneficial plant or animal life when applied in  
129 accordance with directions for use on its label, or if adequate warning  
130 statements and directions for use that may be necessary to protect  
131 beneficial plant or animal life are not on the label; (2) its composition  
132 differs from that which it is purported to be in its labeling; or (3) it  
133 contains unwanted crop or weed seed.

134 Sec. 6. (NEW) (a) The commissioner or the commissioner's designee  
135 shall sample, inspect, make analyses of and test soil amendments  
136 distributed within this state at any time and place to such extent as is  
137 deemed necessary to determine whether such soil amendments are in  
138 compliance with provisions of sections 2 to 12, inclusive, of this act.  
139 The commissioner or the commissioner's designee may enter upon  
140 any public or private premises or carriers during regular business  
141 hours in order to have access to (1) soil amendments subject to the

142 provisions of sections 2 to 12, inclusive, of this act and any regulations  
143 adopted under said sections, and (2) any records relating to the  
144 distribution of such soil amendments.

145 (b) The methods of analysis and sampling shall be those approved  
146 by the director and derived from authoritative sources including, but  
147 not limited to, the Association of Official Analytical Chemists  
148 International.

149 (c) The results of official analyses of soil amendments shall be  
150 distributed by the director.

151 Sec. 7. (NEW) Any person who violates section 2 or 3 of this act shall  
152 be assessed a civil penalty in an amount not to exceed one thousand  
153 dollars for each violation. Any person who violates section 4 or 5 of  
154 this act, or an order issued under section 8 of this act, shall be assessed  
155 a civil penalty in an amount not less than one thousand dollars or  
156 more than two thousand five hundred dollars for each violation. The  
157 Attorney General, upon complaint of the commissioner, shall institute  
158 a civil action to recover such penalty in the superior court for the  
159 judicial district of Hartford. All actions brought by the Attorney  
160 General shall have precedence in the order of trial as provided in  
161 section 52-191 of the general statutes. The Superior Court, in an action  
162 brought by the Attorney General at the request of the commissioner,  
163 shall have jurisdiction to restrain a continuing violation of said sections  
164 and to issue orders directing that the violation be corrected or  
165 removed.

166 Sec. 8. (NEW) The commissioner may issue and enforce an order to  
167 the owner or custodian of any lot of soil amendment to stop the sale or  
168 use of such soil amendment and to hold such soil amendment at a  
169 designated place when the commissioner finds such soil amendment is  
170 being offered for sale in violation of any of the provisions of sections 2  
171 to 12, inclusive, of this act. The commissioner may rescind such order  
172 in writing when such provisions have been complied with and all costs  
173 and expenses incurred in connection with complying with the order

174 have been paid. The distributor shall be entirely responsible for any  
175 costs associated with such order and shall assume all liability for  
176 distribution of amendments deemed adulterated.

177       Sec. 9. (NEW) The commissioner may cooperate with and enter into  
178 agreements with governmental agencies of this state, other states,  
179 agencies of the federal government and private associations in order to  
180 carry out the purposes and provisions of sections 2 to 12, inclusive, of  
181 this act.

182       Sec. 10. (NEW) The director shall publish at least annually a report  
183 of the results of the analyses of any soil amendments analyzed under  
184 section 6 of this act.

185       Sec. 11. (NEW) The commissioner may refuse registration of any  
186 brand of soil amendment if the commissioner finds the brand of soil  
187 amendment violates any provision of sections 2 to 12, inclusive, of this  
188 act or regulations adopted under said sections. The commissioner may  
189 cancel the registration of any brand of soil amendment upon  
190 satisfactory evidence that the registrant has used fraudulent or  
191 deceptive practices in complying with said sections or said regulations  
192 provided no registration shall be revoked until the registrant has been  
193 given the opportunity to appear for a hearing by the commissioner.

194       Sec. 12. (NEW) The Commissioner of Agriculture may adopt  
195 regulations, in accordance with the provisions of chapter 54 of the  
196 general statutes, to carry out the provisions of sections 2 to 11,  
197 inclusive, of this act. Such regulations may include provisions  
198 regarding sampling, analytical methods, form of soil amendments,  
199 minimum percentages, soil amending ingredients, exempted materials,  
200 investigational allowances and definitions. In the interest of  
201 uniformity, the commissioner may adopt, in such regulations, unless  
202 the commissioner determines that they are not appropriate to  
203 conditions that exist in this state, the official definitions of soil  
204 amendment ingredients, official regulations and the official soil  
205 amendment terms adopted by the Association of American Plant Food

206 Control Officials and published in its official publication and may  
207 incorporate by reference any other provisions that the association may  
208 adopt for the regulation of soil amendments.

209 Sec. 13. (NEW) As used in sections 14 to 24, inclusive, of this act:

210 (1) "Person" means an individual, partnership, corporation, limited  
211 liability company or association;

212 (2) "Distribute" means to offer for sale, sell, exchange or barter, or to  
213 supply, furnish or otherwise provide;

214 (3) "Distributor" means any person who distributes;

215 (4) "Agricultural liming material" means a product containing  
216 calcium and magnesium compounds capable of and used for  
217 neutralizing soil acidity;

218 (5) "Limestone" means an agricultural liming material consisting  
219 essentially of calcium carbonate or a combination of calcium carbonate  
220 with magnesium carbonate capable of neutralizing soil;

221 (6) "Burnt lime" means a calcined material composed chiefly of  
222 calcium oxide in natural association with lesser amounts of  
223 magnesium, and that is capable of slaking with water;

224 (7) "Hydrated lime" means a dry material made from burnt lime;

225 (8) "Marl" means a granular or loosely consolidated earthy material  
226 composed largely of shell fragments and calcium carbonate  
227 precipitated in ponds;

228 (9) "Industrial coproduct" means any industrial waste or by-product  
229 containing calcium or calcium and magnesium in forms that will  
230 neutralize soil acidity, including, but not limited to, such products  
231 designated by prefixing the name of the industry or process by which  
232 it is produced, such as gas-house lime, tanners' lime, acetylene lime-  
233 waste, lime-kiln ashes or calcium silicate;



234 (10) "Brand" means the term, trademark, product name or other  
235 specific designation under which individual agricultural liming  
236 material is offered for sale;

237 (11) "Fineness" means the percentage by weight of the material  
238 which will pass U.S. Standard sieves of specified sizes;

239 (12) "Ton" means a net weight of two thousand pounds avoirdupois;

240 (13) "Per cent" or "percentages" means a portion of an agricultural  
241 liming material by weight;

242 (14) "Official sample" means a sample of agricultural liming material  
243 taken by the commissioner or the commissioner's designee in  
244 accordance with the provisions of section 17 of this act;

245 (15) "Bulk" means without packaging;

246 (16) "Label" means any handwritten or printed matter on or  
247 attached to a package containing agricultural liming materials or on  
248 the delivery ticket that accompanies bulk shipments;

249 (17) "Calcium Carbonate Equivalent (CCE)" means the acid  
250 neutralizing capacity of a carbonate rock expressed as a percentage of  
251 the acid neutralizing capacity of pure calcium carbonate;

252 (18) "Weight" means the weight of undried material as offered for  
253 sale;

254 (19) "Director" means the director of the Connecticut Agricultural  
255 Experiment Station; and

256 (20) "Commissioner" means the Commissioner of Agriculture.

257 Sec. 14. (NEW) (a) No person may distribute an agricultural liming  
258 material unless it has been registered with the commissioner in  
259 accordance with the provisions of this section. An application for  
260 registration shall be submitted annually to the commissioner on the  
261 form furnished or approved by the commissioner. Upon approval by

262 the commissioner, a copy of the registration shall be furnished to the  
263 applicant. Such registration shall expire on June thirtieth of the  
264 following year. Each distributor shall submit to the commissioner a  
265 copy of labels and any advertising literature for each agricultural  
266 liming material with the registration application.

267 (b) A distributor shall not be required to register any brand of  
268 agricultural liming material already registered under this section by  
269 another person, provided the label does not differ in any respect.

270 Sec. 15. (NEW) (a) The following information shall appear on the  
271 face or display side of any package or container of any agricultural  
272 liming material, in a conspicuous manner, on a plainly printed,  
273 stamped or otherwise marked label, tag or statement or, in the case of  
274 bulk sales, a delivery slip: (1) The name and principal office address of  
275 the manufacturer or distributor; (2) the brand of the material; (3) the  
276 type of the agricultural liming material; (4) the net weight of the  
277 agricultural liming material; (5) the minimum percentage of calcium  
278 oxide and magnesium oxide or calcium carbonate and magnesium  
279 carbonate; (6) the calcium carbonate equivalent as determined by  
280 methods prescribed by the Association of Official Analytical Chemists  
281 International; and (7) the minimum percentage of such material that  
282 will pass through U.S. Standard sieves as prescribed by regulations  
283 adopted by the commissioner in accordance with the provisions of  
284 chapter 54 of the general statutes.

285 (b) No information or statement may appear on any package, label,  
286 delivery slip or advertising matter that is false or misleading to the  
287 purchaser as to the quality, analysis type or composition of  
288 agricultural liming material.

289 (c) In the case of any material that has been adulterated subsequent  
290 to packaging, labeling or loading and before delivery to the consumer,  
291 a plainly marked notice to that effect shall be affixed by the vendor to  
292 the package or delivery slip to identify the kind and degree of such  
293 adulteration.

294 (d) At any site from which agricultural liming materials are  
295 delivered in bulk and at any site where consumer orders for bulk  
296 deliveries are placed, there shall be conspicuously posted a copy of the  
297 statement required by this section for each brand of material.

298 Sec. 16. (NEW) Not later than thirty days following the expiration of  
299 registration under section 15 of this act, each registrant shall submit on  
300 a form furnished or approved by the commissioner an annual  
301 statement setting forth, by county, the number of tons of each  
302 agricultural liming material sold for use in the state during the  
303 previous twelve-month period.

304 Sec. 17. (NEW) (a) The commissioner or the commissioner's  
305 designee shall sample, inspect, make analyses of and test agricultural  
306 liming materials distributed within this state at any time and place to  
307 such extent as is deemed necessary to determine whether such  
308 materials are in compliance with the provisions of sections 14 to 24,  
309 inclusive, of this act. The commissioner or the commissioner's designee  
310 may enter upon any public or private premises or carriers during  
311 regular business hours in order to have access to (1) such materials  
312 subject to the provisions of sections 14 to 24, inclusive, of this act and  
313 any regulations adopted under said sections 14 to 24, inclusive, and (2)  
314 any records relating to the distribution of such materials.

315 (b) The methods of analysis and sampling shall be those approved  
316 by the director and derived from authoritative sources including, but  
317 not limited to, the Association of Official Analytical Chemists  
318 International.

319 (c) The results of official analyses of agricultural liming materials  
320 shall be distributed by the director.

321 Sec. 18. (NEW) (a) No agricultural liming material may be sold or  
322 offered for sale in this state unless it complies with provisions of  
323 sections 14 to 24, inclusive, of this act.

324 (b) No agricultural liming material may be sold or offered for sale in

325 this state if: (1) It contains any deleterious or harmful agent in  
326 sufficient amount to render it injurious to beneficial plant or animal life  
327 when applied in accordance with directions for use on its label or if  
328 adequate warning statements and directions for use that may be  
329 necessary to protect beneficial plant or animal life are not on the label;  
330 or (2) any information or statement appears on any package, label,  
331 delivery slip, ticket, invoice or advertising matter that is false or  
332 misleading to the purchaser as to the quality, analysis, composition or  
333 commercial value of the agricultural liming material.

334       Sec. 19. (NEW) The commissioner may issue and enforce an order to  
335 the owner or custodian of any lot of agricultural liming material to  
336 stop the sale or use of such material and to hold such material at a  
337 designated place when the commissioner finds such material is being  
338 offered for sale in violation of any of the provisions of sections 14 to 24,  
339 inclusive, of this act. The commissioner may rescind such order in  
340 writing when such provisions have been complied with and all costs  
341 and expenses incurred in connection with complying with the order  
342 have been paid. The distributor shall be entirely responsible for any  
343 costs associated with such order and shall assume all liability for  
344 distribution of liming materials deemed adulterated.

345       Sec. 20. (NEW) The Commissioner of Agriculture may cooperate  
346 with and enter into agreements with governmental agencies of this  
347 state, other states, agencies of the federal government and private  
348 associations in order to carry out the purposes and provisions of  
349 sections 14 to 24, inclusive, of this act.

350       Sec. 21. (NEW) The commissioner may revoke or suspend the  
351 registration of, or refuse to issue a registration to, any person who has  
352 wilfully violated any of the provisions of sections 14 to 24, inclusive, of  
353 this act.

354       Sec. 22. (NEW) The Commissioner of Agriculture may adopt  
355 regulations, in accordance with the provisions of chapter 54 of the  
356 general statutes, to carry out the provisions of sections 15 to 24,

357 inclusive, of this act. Such regulations may include provisions  
358 regarding sampling, analytical methods, minimum percentages,  
359 agricultural liming material ingredients, exempted materials,  
360 investigational allowances, definitions, records, labels or labeling,  
361 liability bonds, misbranding, mislabeling and the distribution of  
362 agricultural liming materials. In the interest of uniformity, the  
363 commissioner may adopt in such regulations, unless the commissioner  
364 determines that they are not appropriate to conditions that exist in this  
365 state, the official definitions of agricultural liming material ingredients,  
366 official regulations and the official agricultural liming material terms  
367 adopted by the Association of American Plant Food Control Officials  
368 and published in its official publication and may incorporate by  
369 reference any other provisions that the association may adopt for the  
370 regulation of agricultural liming materials.

371       Sec. 23. (NEW) Notwithstanding the provisions of sections 13 to 22,  
372 inclusive, of this act, registrants may sell or use existing inventories of  
373 liming materials until July 1, 2001.

374       Sec. 24. (NEW) Any person who violates section 14 or 15 of this act  
375 shall be assessed a civil penalty in an amount not to exceed one  
376 thousand dollars for each violation. Any person who violates section  
377 18 of this act, or an order issued under section 19 of this act, shall be  
378 assessed a civil penalty in an amount not less than one thousand  
379 dollars or more than two thousand five hundred dollars for each  
380 violation. The Attorney General, upon complaint of the commissioner,  
381 shall institute a civil action to recover such penalty in the superior  
382 court for the judicial district of Hartford. All actions brought by the  
383 Attorney General shall have precedence in the order of trial as  
384 provided in section 52-191 of the general statutes. The Superior Court,  
385 in an action brought by the Attorney General at the request of the  
386 commissioner shall have jurisdiction to restrain a continuing violation  
387 of said sections and to issue orders directing that the violation be  
388 corrected or removed.

389       Sec. 25. This act shall take effect July 1, 2000.

**Statement of Legislative Commissioners:**

In section 12, a second reference to the Association of American Plant Food Control Officials was deleted for clarity and to avoid redundancy.

**ENV Committee Vote:** Yea 23 Nay 0 JFS C/R JUD